

# HOUSE . . . . . No. 2616

By Mr. Walsh of Boston, petition of Martin J. Walsh and others for legislation to protect unlicensed personnel from administering medications in mental health and mental retardation facilities. Public Health.

## The Commonwealth of Massachusetts

### PETITION OF:

Martin J. Walsh  
Michael F. Rush

Brian P. Wallace

In the Year Two Thousand and Five.

AN ACT TO PROTECT UNLICENSED PERSONNEL FROM ADMINISTERING MEDICATIONS IN MENTAL HEALTH AND MENTAL RETARDATION FACILITIES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Notwithstanding any general or special law or rule or regula-  
2 tion to the contrary, no Department shall establish and the Com-  
3 missioner of Public Health shall not approve any regulation  
4 providing for certification of community direct care staff in the  
5 distribution of prescription medication beyond 1) the non-licensed  
6 employee's obligation to follow the pharmacist's and/or physi-  
7 cian's printed instructions and advisories for a particular medica-  
8 tion to be administered to a particular client; 2) the safe storage of  
9 such medications; and 3) the accompanying documentation that  
10 such medication was, in fact, administered.

11 Further, notwithstanding any general or special law or rule or  
12 regulation to the contrary, no Department shall establish and the  
13 Commissioner of Public Health shall not approve any regulation  
14 providing for certification of community direct care staff in the  
15 performance of medical procedures ordinarily performed by  
16 licensed personnel.